



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## For: NOVEL CYTARABINE MONOPHOSPHATE PRODRUGS

**Examiner: TBA**

## TRANSMITTAL LETTER

Sir:

Enclosed are the following documents:

- Form PTO/SB/08A;
- Copies of sixty-four (64) cited references; and
- Return Postcard.

No fee is believed due with this submission; however, the Commissioner is authorized to charge any fee required, or to credit any overpayment, to our Deposit Account No. **50-2613**.

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(37 C.F.R. §1.8a)

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Respectfully submitted,

PAUL, HASTINGS, JANOFSKY & WALKER LLP

Dated: 2/26/04

By: Diana L. Bush  
Diana L. Bush  
Reg. No. 51,109

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**DISCLOSURE**

☒ The attached IDS is being filed in accordance with 37 CFR §§ 1.97 and 1.98. This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b)(3), that is before the mailing of a first Office Action on the merits. Thus, no petition or fee is required. However, if the undersigned representative of Applicant is in error in this regard, then the Examiner is requested to consider this IDS as filed under § 1.97(c)

☐ The attached Information Disclosure Statement is being filed in accordance with 37 CFR §§ 1.97(c) and 1.98. This IDS is being filed after an action on the merits but before a Final Action under § 1.113 or a Notice of Allowance under § 1.311. In the event that this IDS is not received before a Final Action under § 1.113 or a Notice of Allowance under § 1.311, the Applicant respectfully requests the filing of these papers to be considered a petition requesting consideration of this IDS pursuant to 37 CFR § 1.97(d).

☐ The attached Information Disclosure Statement is being filed in accordance with 37 CFR §§ 1.97(d) and 1.98. This IDS is being filed after receipt of a final action but before receipt of a Notice of Allowance Under § 1.311.

☐ I certify that pursuant to 37 CFR 1.97(e)(1), each item of information contained in this Information Disclosure Statement was first cited in any communication (International Search Report – copy enclosed) from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

☐ I certify that pursuant to 37 CFR 1.97(e)(2), no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the best of my knowledge, no item of information contained in this Information Disclosure Statement was known to any individual more than three months prior to the filing of this Information Disclosure Statement.



Patent  
45198.00046.UTL

**PAYMENT METHOD**

- ☐ Enclosed is a check to cover the fee pursuant to 37 CFR § 1.17(p).
- ☒ The Examiner is hereby authorized to charge any fee due with this filing to our Deposit Account No. **50-2613**.
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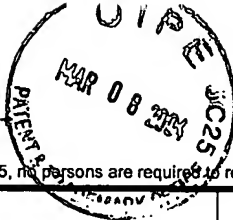
PAUL, HASTINGS, JANOFSKY & WALKER

Dated: 2/26/04

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
Sheet	1	of	7	Application Number	10/698,928
				Filing Date	31 Oct 2003
				First Named Inventor	Boyer et al.
				Group Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
				Attorney Docket Number	45198.00046.UTL

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	AA	3,116,282		Hunter	12-31-1963	
	AB	4,440,740		Fix et al.	04-03-1984	
	AC	4,537,772		De Castro et al.	08-01-1995	
	AD	4,692,441		Alexander et al.	09-08-1987	
	AE	4,729,989		Alexander et al.	03-08-1988	
	AF	4,731,360		Alexander et al.	03-15-1998	
	AG	4,749,694		Fix et al.	06-07-1988	
	AH	4,822,773		Alexander et al.	04-18-1989	
	AI	4,835,138		Alexander et al.	05-30-1989	
	AJ	4,847,298		Alexander et al.	07-11-1989	
	AK	4,963,525		Alexander et al.	10-16-1990	
	AL	4,963,556		Alexander et al.	10-16-1990	
	AM	4,973,579		Alexander et al.	11-27-1990	
	AN	5,077,280		Sommadosi et al.	12-31-1991	
	AO	5,118,672		Schinazi et al.	06-02-1992	
	AP	5,159,067		Schinazi et al.	10-27-1992	
	AQ	5,464,748		Sommadosi et al.	11-07-1995	
	AR	5,567,689		Sommadosi et al.	10-22-1996	
	AS	5,599,686		DeFeo-Jones et al.	02-04-1997	
	AT	5,658,889		Gruber et al.	08-19-1977	
	AU	5,723,449		Sommadosi et al.	03-03-1998	
	AV	5,750,493		Sommadosi et al.	05-12-1998	
	AW	5,866,679		DeFeo-Jones et al.	02-02-1999	
	AX	5,948,750		Garsky et al.	09-07-1999	
	AY	5,990,093		Schinazi et al.	11-23-1999	
	AZ	6,054,587		Reddy et al.	04-25-2000	
	BA	6,110,903		Kasibhatla et al.	08-29-2000	
	BB	6,130,504		Nakayama et al.	10-10-2000	
	BC	6,143,864		DeFeo-Jones et al.	11-07-2000	
	BD	6,194,391		Lori et al.	02-27-2001	
	BE	6,177,404		DeFeo-Jones et al.	01-23-2001	
	BF	6,245,749		Schinazi et al.	06-12-2001	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation is not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>		
Application Number		10/698,928				
Filing Date		31 Oct 2003				
First Named Inventor		Boyer et al.				
Group Art Unit		To Be Assigned				
Examiner Name		To Be Assigned				
Attorney Docket Number		45198.00046.UTL				
Sheet	2	of	7			

	BG	6,284,748	Dang et al.	09-04-2001	
	BH	6,294,672	Reddy et al.	09-25-2001	
	BI	6,312,662	Erion et al.	11-06-2001	
	BJ	6,391,305	Feng et al.	05-21-2002	
	BK	6,395,716	Gosselin et al.	05-28-2002	
	BL	6,399,782	Kasibhatla et al.	06-04-2002	
	BM	6,407,077	Gosselin et al.	11-05-1999	
	BN	6,444,652	Gosselin et al.	09-03-2002	
	BO	6,458,773	Gosselin et al.	11-05-1999	
	BP	6,486,204	Waldstreicher et al.	11-26-2002	
	BQ	6,489,476	Dang et al.	12-03-2003	
	BR	6,525,033	Schinazi et al.	02-25-2003	
	BS	6,545,007	Sommadossi et al.	11-19-2001	
	BT	6,566,344	Gosselin et al.	05-20-2003	
	BU	6,569,837	Gosselin et al.	12-14-2001	
	BV	6,596,700	Sommadossi et al.	05-29-2001	
	BW	6,602,664	Schinazi et al.	02-26-2001	
	BX	6,635,636	Artico et al.	1021-2003	
	BY	2001-004-1713	Waldstreicher et al.	11-15-2001	
	BZ	2002-011-5596	Gosselin et al.	08-29-2002	
	CA	2002-012-0130	Bhat et al.	01-18-2002	
	CB	2002-014-7160	Shiratani	12-26-2002	
	CC	2002-019-3415	Sommadossi et al.	05-23-2001	
	CD	2003-005-0229	LaColla et al.	03-27-2003	
	CE	2003-006-0400	Imbach et al.	06-15-2001	
	CF	2003-008-3306	Imbach et al.	05-01-2003	
	CG	2003-023-2760	Garsky et al.	06-06-2003	
	CH	2004-000-6007	Gosselin et al.	09-30-2002	
	CI	2004-000-6002	Sommadossi et al.	09-30-2002	

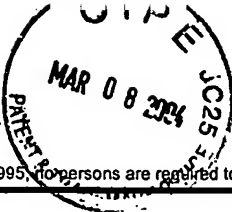
FOREIGN PATENT DOCUMENTS								
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	CJKind Code <sup>5</sup> (if CKknown)				
	CJ	GB	2266525	A	Davies et al.	11-03-1993		
	CK	GB	2266527	A	Davies et al.	03-17-1999		
	CL	NL	6511420			9-01-1965		
Examiner Signature					Date Considered			

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First Named Inventor		Boyer et al.			
Group Art Unit		To Be Assigned			
Examiner Name		To Be Assigned			
Attorney Docket Number		45198.00046.UTL			
Sheet	3	of	7		

	CM	WO	95/07287	A1	Gosselin et al.	03-16-1995		
	CN	WO	97/49717	A1	Kazmina et al.	12-31-1997		
	CO	WO	00/009531	A2	Novirio Pharm.	02-24-2000		
	CP	WO	00/03998	A1	La Colla et al.	01-27-2000		
	CQ	WO	01/090121	A2	Sommadosi et al.	11-29-2001		
	CR	WO	01/92282	A2	Sommadosi et al.	12-06-2001		
	CS	WO	02/083126	A1	La Colla et al.	10-24-2002		
	CT	WO	03/026675	A1	Gosselin et al.	04-03-2003		
	CU	WO	03/026589	A2	Gosselin et al.	04-30-2003		
	CV	WO	04/0003000	A2	Sommadosi et al.	01-08-2004		
	CW	WO	04/002999	A2	Sommadosi et al.	01-08-2004		
	CX	WO	04/002422	A2	Sommadosi et al.	01-08-2004		

NON PATENT LITERATURE DOCUMENTS						
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of the author in CAPITAL LETTERS, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T <sup>2</sup>
	CY	ALEKSIUK et al., <i>J. Chem. Soc. Chem. Comm.</i> (1)11, (1993).				
	CZ	ARNER et al., <i>Pharmacol. Ther.</i> 67(2):155-86, (1995).				
	DA	ATTANSI et al., <i>Phosphorus Sulfur</i> 35(1-2), 63 (1988).				
	DB	AYRAL-KALOUSTIAN et al., <i>Carbohydr. Res.</i> 187 (1991).				
	DC	BHATIA et al., <i>Tetrahedron Lett.</i> 28(3), 271 (1987).				
	DD	CHU et al., <i>J. Het. Chem.</i> 22:1033 (1985).				
	DE	COPPI et al. <i>J. Org. Chem.</i> 53:911 (1988).				
	DF	DeWAZIERS et al., <i>J. Pharm. Exp. Ther.</i> , 253, 387-394 (1990).				

Examiner Signature	Date Considered
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			Application Number	10/698,928	
			Filing Date	31 Oct 2003	
			First Named Inventor	Boyer et al.	
			Group Art Unit	To Be Assigned	
			Examiner Name	To Be Assigned	
Sheet	4	of	7	Attorney Docket Number	45198.00046.UTL

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of the author in CAPITAL LETTERS, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	DG	DYATKINA et al., <i>Tetrahedron Lett.</i> 35(13), 1961 (1994).	
	DH	FERRONI et al., <i>J. Org. Chem.</i> 64(13), 4943 (1999).	
	DI	FUJI et al., <i>J. Am. Chem. Soc.</i> 118(10):2521-2 (1996).	
	DJ	GAO, et al., <i>J. Org. Chem.</i> 53:4081 (1980).	
	DK	GREENE, T.W., <i>Protective Groups in Organic Chemistry</i> , John Wiley & Sons, New York (1999).	
	DL	GORENSTEIN et al., <i>J. Am. Chem. Soc.</i> 5077 (1980).	
	DM	GISH et al., <i>J. Med. Chem.</i> 14, 1159 (1971).	
	DN	HADVARY et al., <i>Helv. Chim. Acta</i> 69(8), 1862 (1986).	
	DO	HANAOKA et al., <i>Heterocycles</i> 23(11), 2927 (1985).	
	DP	HARADA et al., <i>Tetrahedron Lett.</i> 28:4843 (1987).	
	DQ	HAYAKAWA et al., <i>Tetrahedron Lett.</i> 28(20), 2259 (1987).	
	DR	HESSLER, <i>J. Org. Chem.</i> 41(10):1828-1831 (1976).	
	DS	HOEFLER et al., <i>Tetrahedron</i> 56(11), 1485 (2000).	
	DT	HULST et al., <i>Tetrahedron Lett.</i> 1339 (1993).	
Examiner Signature		Date Considered	

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	DU	JACOBSEN, E.N. et al., <i>Comprehensive Asymmetric Catalysis</i> (1999).	
	DV	KOBAYASHI et al., <i>Tetrahedron Lett.</i> 27:4745 (1986).	
	DW	LI et al., <i>Tetrahedron Lett.</i> 6615 (2001).	
	DX	MARCH, J. <i>Advanced Organic Chemistry</i> , McGraw Hill Book Company, New York, (1977 edition) pp. 251-259.	
	DY	MEEK et al., <i>J. Am. Chem Soc.</i> 110(7), 2317 (1988).	
	DZ	MERCKLING et al., <i>Tetrahedron Lett.</i> 2217 (1996).	
	EA	MOSBO et al., <i>J. Org. Chem.</i> 42, 1549 (1977).	
	EB	MUKAIYAMA, <i>Org. React.</i> 28:203 (1982).	
	EC	NOYORI, R. et al., <i>Asymmetric Catalysis on Organic Synthesis</i> (1994).	
	ED	POSTEL et al., <i>J. Carbohydr. Chem.</i> 19(2), 171 (2000).	
	EF	RAMACHANDRAN et al., <i>Tetrahedron Lett.</i> 38:761 (1997).	
	EG	RATHORE et al., <i>Indian J. Chem B.</i> 32(10), 1066 (1993).	
	EH	ROODSARI et al., <i>J. Org. Chem.</i> 64(21), 7727 (1999).	

Examiner Signature	Date Considered
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	EI	SAKAMOTO et al., Tetrahedron Lett. 33:6845 (1992).		
	EJ	SHEN et al., <i>J. Org. Chem.</i> 30:835-838 (1965).		
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				Filing Date	31 Oct 2003
				First Named Inventor	Boyer et al.
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	EV	YAMAMOTO et al., <i>Tetrahedron Lett.</i> 37:1871 (1981).	

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